

City of Taylorsville
Planning Commission Work Session
Minutes
Tuesday – November 8, 2005– 7:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Kristie Overson, Chair
Ted Jensen
Scott Bolton
Robert B. Daniels
Blaine Smith
Angelo Calacino
Dama Barbour
Joan Rushton-Carlson
Excused: Robert Daniels

Community Development Staff

Mark McGrath, Director
Michael Maloy, City Planner
Nick Norris, City Planner
Dan Udall, City Planner
Jean Gallegos, Admin Assistant/Recorder

PUBLIC : Heather Donehoo, M. Burkhart, Brandi Martinez, Joan Schuller, Lonnie Harlen, Jacob Carlson.

WELCOME: **Commissioner Overson** welcomed those present, explained the procedures to be followed this evening and opened the meeting at 7:00 p.m. [19:00:51](#)

CONSENT AGENDA

1.	Minutes for May 24, June 28, Aug 23, Sept 27 and Oct 11, 2005.			Approved with minor changes furnished to the Recorder during the pre-meeting.
2.	42C05	Conditional Use Permit Oversized Detached Garage	Al Seager 5094 S. Persille Dr. (3245 W.)	Approved with staff recommendations.

MOTION: **Commissioner Calacino** [19:02:52](#) – I move for approval of the consent agenda, with corrections as indicated in the pre-meeting for the Minutes and in accordance with staff recommendations for Application 42C05.

SECOND: **Commissioner Rushton-Carlson**

VOTE: All Commissioners voted in favor. Motion passes unanimously.

HOME OCCUPATION

3.	38H05	<u>Heather Donehoo, 2504 W. Pine Needle Place (5070 S.)</u> – Dance Studio (Michael Maloy/City Planner)
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[19:03:44](#)

3.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The residence is located in an R-2-8 Medium Density Residential Zone. The proposed hours of operation are from 6:00 p.m. to 8:00 p.m. on week nights and from 8:00 a.m. to 12:00 p.m. on Saturday mornings. The applicant desires to teach four dance classes each week, with each class lasting one hour for a maximum number of six students per class, with a break in between classes. There is a separate entrance available for student access. **Staff recommends approval with the following conditions:**

1. Receive approval from and remain compliant with all applicable reviewing departments and agencies of the City (i.e., City Building Official, Fire Marshall, Business Licensing, etc.).
2. Applicant must comply with all applicable regulations for a Home Occupation Class C permit (see 13.57.050 and 056).
3. Hours of operation shall be limited to 6:00 p.m. to 8:30 p.m., Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturday.
4. No more than six students may be permitted per dance class and no more than two dance classes may be taught per day.

5. Dance classes shall be scheduled, shall not overlap, and must be separated by a minimum of 15 minutes.
6. **[Added by Motion] This use is subject to review upon complaint.**

3.2 **APPLICANT ADDRESS:** Heather Donehoo was present. Commissioner Smith asked what type of dancing would be involved and how the music would be supplied. Ms. Donehoo replied that it was going to be Scottish Highland type dancing and the music would be on C.D. and that the noise level would be low, with no live bag pipes. Commissioner Jensen 19:07:17 asked her if she had read the hours of operation and she advised that she had and with which she was fine. She only plans on conducting these classes two nights per week. Commissioner Overson 19:08:04 asked about the availability of appropriate lighting at the entrance. Ms. Donehoo advised that there is a light on the outside stairwell to the entrance.

3.3 **SPEAKING:** None.

- 3.4 **MOTION:** 19:08:53 Commissioner Jensen – Based on staff recommendations 1 through 5 and with the addition of #6 – review upon complaint, I recommend approval of Application 38H05.
SECOND: Commissioner Calacino
VOTE: All Commissioners voted in favor. Motion passes unanimously.

ZONE CHANGE

4. 16Z05 **Mr. Jack Lucas, 1590-1632 W. 6235 S.** – Zoning Map Amendment from MD-3 Mixed Development to R-M Residential. (Michael Malov/City Planner)

19:10:16

4.1 Mr. Maloy oriented on the site plan, aerial map and images. The property has recently been the focus of public hearings held by the Planning Commission and the City Council. Previously, the applicant successfully petitioned the City Council to amend the General Plan Map from Mixed Use to Medium Density Residential for the site. The applicant has submitted a conceptual site plan that illustrates a medium density residential development that contains 14 units on 1.58 acres, which has a residential density of 8.8 units per acre. **Staff recommends approval.**

4.2 **APPLICANT ADDRESS:** Jack Lucas was present. 19:12:44 Mr. Lucas felt that this property would be a good transition from residential to commercial. The preferred market for these units would be empty-nester or senior citizen residents. The proposal is for medium density, with nice landscaping emphasized and a lot of green space. Relative to the traffic impact, he felt it would be less than a commercial endeavor would be, with 7.5 cars at peak traffic compared to 10 cars for commercial.

- Commissioner Calacino 19:15:58 asked if the applicant was looking at other conceptual plans for this property if the zone change if approved. He asked if the applicant had looked at how the development could potentially connect to the property immediately to the north and east, which are presently vacant for the most part. A goal of the City is not to create an island of development and if there is potential to connect to other properties and perhaps this developer should look into that. Mr. Lucas advised that they had spoken with Mr. Abernathy, the owner of the property directly to the east awhile ago and he was not interested. The applicant had also spoken with the other single family dwelling to the north regarding this development but not in regards to purchasing their property. Commissioner Calacino 19:17:42 urged Mr. Lucas to explore these possibilities for better connectivity before he comes back to the Commission with a specific project.
- Commissioner Jensen 19:17:59 asked Mr. Lucas if he did not go with the current plan, then what? Mr. Lucas said the only thing that potentially might be different is the unit sizes are now actually larger than the original plan. The access into the site would not be changed.
- Commissioner Overson 19:19:04 commented that she appreciated the new larger sizing on the units, which may alleviate some neighbor's concerns that the homes would be perceived as being lower income.

4.3 **SPEAKING:** None.

- 4.4 **MOTION:** Commissioner Ruston-Carlson 19:20:11 – I move to forward a positive recommendation for zoning application #16Z05 to change from MD-3 Mixed Development to R-M Residential Multi-Family, to the City Council in accordance with staff's recommendation.
SECOND: Commissioner Calacino

Commissioner Overson - We have a motion by Commissioner Rushton-Carlson to forward a positive recommendation to the City Council regarding File 16Z05 based on the findings and facts contained in the staff report and comments by the applicant, with a second by Commissioner Calacino.

DISCUSSION: Commissioner Jensen 19:20:57 – I would like to add three findings to the motion: (1) To the staff finding that traffic will only be increased by less than 1%, which is a good thing for the residents and for 6200 South. (2) That a residential use over a mixed commercial use with the traffic being 7.56 trips versus a possible 20.1 trips, which also is a positive factor. (3) It makes a great transitional area between the bank and the proposed medical/dental office to the west and residential area to the east. 19:22:09 Commissioner Overson said his comments were so noted. 19:22:18 Commissioner Calacino added a note that both 6200 South and Redwood Road are major corridors that have mass transit service along them and the little amount of density added here could take advantage of that service.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

CONDITIONAL USE

5. 41C05 <u>Kehl Commercial, 3564 W. 6200 S.</u> – Three Building Commercial Development. (Nick Norris/City Planner)
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19:22:59

5.1 Mr. Norris oriented on the site plan, aerial map and images. The applicant is proposing a new commercial development on the northeast corner of the intersection of 6200 South and Bangerter Highway. The lot consists of two separate parcels owned by the same individual, for a total of approximately 1.45 acres. The applicant is asking for conceptual review and wishes direction in order to submit a sound project for preliminary. The applicant intends to construct the buildings in phases. The first phase will consist of a building for Techna-Glass, which is an automobile glass repair company. Phase one will also include landscaping along 6200 South and Bangerter Highway, improving the access there and the parking for Techna-Glass. As future tenants are found, the remainder of the site will be developed. The applicant would submit a conditional use amendment application for the future phases. The applicants are in the process of trying to obtain the residential property to the east and include that in a future phase. That property has subsidized housing on it that is owned by Salt Lake County Housing Authority and the applicants are in negotiations to replace that housing elsewhere. Setback issues have been discussed with the applicant and have been rectified. Also discussed was a 6' high vinyl fence along the north property line and landscaping all the way to Bangerter Highway. A suggestion was made to the applicant to provide pedestrian access to the building and add substantial landscaping along the north property line as a buffer along with the wall barrier. Also presented to the applicant was a proposal to relocate the entrance to the south side of the building. Staff does not make a formal recommendation for items under conceptual review.

5.2 APPLICANT ADDRESS: Dale Kehl was present representing the owner of the project Merv Arnold (Devmer). 19:30:27 Mr. Kehl advised that they have changed the setback to 20' instead of 15' per staff instruction.

- Commissioner Overson asked about the implied approval by UDOT of the existing ingress/egress drive approaches to be used for this project. Mr. Kehl advised that the three curb cuts there now have always been there and that they had made notification of intent to use all three as being pre-existing but that they did not have anything in writing yet. 19:33:21
- Commissioner Rushton-Carlson asked about the sidewalk along 6200 South and Mr. Kehl said they were willing to do that along with the landscaping requirements there.
- Commissioner Bolton questioned the implied approval by UDOT of the accesses and wanted to know if Mr. Kehl had written permission to use those. Mr. Kehl reiterated that he was only stating that there were already three curb cuts there that had been used in the past and that they had plan to continue to use those. There has been no formal application made to UDOT for new accesses because they are already in place on City streets. Commissioner Bolton 19:36:02 advised that UDOT has authority over the first 350' of an intersection. Mr. Kehl was aware of that no access zone and advised they would be east of that. Commissioner Bolton asked what the distance would be from Bangerter Highway and Mr. Kehl said it was about 190'. Commissioner Bolton then asked if that would not fall within the 350' requirement. Mr. Kehl said they had advised him that they have administrative authority over that. That administrative authority has already been issued when the taking of the land was accomplished and the accesses given. There was a Rainbow Service Station previously located on that site, with two of the accesses serving that use. Mr. Kehl continued that he could not provide any more detailed information until the point of contact person at UDOT returns from vacation. Mr. Norris conveyed that the City had sent a request for recommendation to

Mike Donovan with UDOT and had not received comments back yet due to his being on vacation. **Commissioner Bolton** advised that he would be interested in hearing what UDOT has to say about having two intersections so close together and anticipated their limiting access to right in and right out.

- **Commissioner Calacino** [19:38:04](#) commented that since this is conceptual review, he had a few suggestions to offer tonight. Being as how the property is zoned C-2, commercial uses are bound to take place there, however, how the property is developed to accommodate those commercial uses is the concern. One such concern is access off of 6200 South and whether or not UDOT allows access there, the City has the responsibility to look at that issue. He encouraged the applicant to (1) Only provide one access to 6200 South and utilizing the access possible to 3510 West or Prairie View Drive to the immediate east. (2) Look at the orientation of the buildings so that they are more in line with the architectural compatibility and what has been done to the east with the office building there. There is 360 degree architecture, which could be enhanced to take into account that it is at a prime intersection. (3) On pedestrian access, not that it is desirable that people go to Bangerter and cross there but it is a lighted intersection and there a pedestrian overpass bridge on the south side of the intersection, therefore, he recommended that the sidewalk be extended all the way to Bangerter in the standard location, 5' of back of curb for a 5' park strip and a standard 4' sidewalk with a handicap ramp for access to the west. **Mr. Kehl** said that was fine with him but it is different than staff recommends. **Commissioner Calacino** then asked that the applicant look at acquiring the residential properties and incorporate that area into this development and add a centralized access point to the site on Prairie View Drive. **Mr. Kehl** [19:40:49](#) said they had looked at that suggestion and found it would be difficult to make it work economically.
- **Commissioner Barbour** [19:42:08](#) commented that she is happy to see something contemplated for this corner. The front part seems to be ready to go now and asked if the developer was working to acquire the remainder of the site. **Mr. Kehl** said that they have acquired everything except the two duplex parcels presently owned by Salt Lake County, which they are still working on getting. **Commissioner Barbour** asked him if all tenants would be automobile related uses and **Mr. Kehl** said that the site is not conducive to anything else. He added that he would like to leave the entrance where it is proposed because the building will be lower than Bangerter and will be heavily landscaped especially with trees to soften the look of the structure anyway. [19:46:22](#)
- **Commissioner Overson** [19:48:37](#) complemented **Mr. Kehl** on the look of his recently constructed office building in that immediate vicinity and expressed confidence that this new building would be as nice.
- **Commissioner Calacino** advised that the Commission would like to see something in writing from UDOT at the preliminary hearing regarding right-of-way and access issues.

5.3 **SPEAKING:** None.

5.4 **DISCUSSION:** Inasmuch as this is a conceptual review, no motion will be made.

SUBDIVISION

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| 6. 13S05 <u>Bryan Wright, 6392 S. 2200 W.</u> - Four-Lot Residential Subdivision. (Michael Maloy/City Planner) |
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[19:54:16](#)

6.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The applicant has submitted an application for preliminary review of a proposed subdivision within an A-1 Agricultural Zone, which requires a minimum lot size of 10,000 square feet for a single family residence. The applicant's proposal will maintain the existing home on an 18,900 square foot parcel (.43 acre) and develop three new buildable lots that contain 10,000 square feet or more. The three new lots would be accessed from a paved 25' wide private road from 2200 West, located immediately south of the existing residence. **Staff recommends denial of Application 13S05 based on the following findings of facts:**

1. Proposed subdivision design does not comply with City regulations and would compromise public safety.
2. Subdivision proposal would set an undesirable precedent for future redevelopment of adjacent properties with similar lot characteristics.

6.2 **APPLICANT ADDRESS:** **Bryan Wright** (came in at the end of the hearing for this item).

6.3 **SPEAKING:**

1. **Mike Dutson** [20:00:07](#) owns the property in question and listed it for sale as horse property with the 20' wide driveway requirement so that it could be kept agricultural. He was concerned that with the 25' wide driveway as proposed, it would come within 2 ½' of his home. **Commissioner Overson** wanted it clarified if Mr. Dutson is the property owner but not the developer and Mr. Dutson advised that was correct. [20:01:22](#)
2. **Brandi Martinez** [20:02:23](#) advised that they were opposed to buildings being placed on that property and asked that it remain agricultural. She said that putting in a road where they wanted to, would push everything into her home and greatly impact their privacy.
3. **Mike Burkhardt** [20:03:56](#) was in favor of allowing Mr. Dutson to sell his property but was concerned about the width of the roadway. He lives to the south of this property and was curious about the utility access and where connections would be installed. He was in favor of this remaining agricultural and not changed to a multiple home subdivision.
4. **Joan Schuller** [20:06:29](#) said that her bedroom would be 25' from the fence. She wanted to keep the property agricultural and had a concern about emergency vehicle access and increase in traffic.
5. **Lonnie Harlen** [20:07:17](#) was speaking for his father, who lives in this area. He felt the road would take away the privacy of the area entirely. He was not in favor of taking away the agricultural flavor of the area.
6. **Jacob Carlson's** [20:08:30](#) back yard borders this property and his concern is that the road would be right next to his fence, which he felt was inappropriate and a safety concern. For that reason, he voiced opposition to this proposal

6.4 **DISCUSSION:** [20:09:29](#) **Commissioner Calacino** asked if it were not a fire department requirement that driveways must be 25' wide and **Mr. Maloy** explained that is part of the deep lot policy. City requirement standard is that a home must be serviced by a public street. However, as a community, it has been decided that accommodations would be made to limit the deep lot developments where they are served by a private road. If the Commission wants to allow homes developed on a private road under a half an acre then there is a limit of three homes and those homes have to be served by a 25' wide road. It is not a fire department standard but rather a City deep lot policy. **Commissioner Calacino** [20:10:33](#) advised that in the Subdivision Ordinance relative to private roads, Title 12, Section 131, it talks about the width of a private road being 25' unobstructed travel surface and then 25' where the private road forms a cul-de-sac and is greater than 500' in length. Technically this whole property is 500' deep, so to where he would make the cul-de-sac, he would probably be under the 500', therefore, according to that ordinance he could be 20' wide. However, we are applying the deep lot policy in this instance. [20:09:58](#) **Mr. Maloy** said a 20' road can be done if there are only two homes involved but for three, the requirement is a 25' wide road. **Commissioner Calacino** said that the current property zoning is A-1, therefore, he could subdivide it and create a 10,000 square foot lot for the existing house and maintain the back portion as a flag lot at over an acre. That lot would then retain agricultural rights because it is over an acre. That flag lot could have a 20' wide access and retain large animal rights thereon. [20:12:14](#)

6.5 **APPLICANT:** [20:13:08](#) Mr. Wright came into the meeting at 8:10 p.m. and was allowed to address the Commission with his comments after the public hearing ended. **Mr. Wright** advised that he felt he had met all requirements to subdivide and was trying to do what the City had informed him he was allowed to do. **Mr. Maloy** commented that the proposal does not meet the off-set requirements with Carefree Drive and the applicant was informed of that in the pre-application meeting he attended with staff. **Mr. Wright** said he did not recall that. **Commissioner Barbour** [20:14:53](#) added that the property owner had indicated that he was not interested in having the 25' wide driveway. **Mr. Wright** [20:15:20](#) advised that he was told to bring this proposal before the Planning Commission and that adjustments could be made by them to make this work. **Commissioner Ruston-Carlson** [20:15:49](#) expressed concern with setting a precedent on other properties in the same locale. **Mr. Wright** said that during the pre-meeting, staff asked him to check with the neighbors and the owner told Mr. Wright that his real estate agent had approached the property owner to the north, who said that he was not interested in selling any of his land.

6.6 **DISCUSSION:**

- [20:16:49](#) **Commissioner Calacino** indicated that as proposed, this project cannot comply with ordinances and City policy regarding width and length of right of way, offset of roadway and possibly building setbacks. Based on the Subdivision Ordinance Planning Commission approval or disapproval shall not be given until approval is received from any other agencies. Because of that he felt this should be continued until all

issues had been addressed. One of the biggest concerns is what will happen to all the other lots in the same vicinity should this one be approved and that should be a major consideration. [20:20:04](#)

- [20:20:15](#) **Commissioner Overson** said that her inclination was that this is an application that is simply not in compliance with City policy.
- [20:20:42](#) **Commissioner Jensen** said that the Code addresses the off-set issue as follows: "Off set intersections shall be avoided whenever possible and off-sets shall be provided at minimum distances as follows: (1) Local streets 150' feet. The key word there is "whenever possible". The code said that there are exceptions. He recommended a statement be added as to what the ordinance is intended to mean because he felt it was a little vague. [20:21:07](#) **Mr. Maloy** added that staff did receive written response from the City Engineer, Gordon Haight, who referenced that code in his recommendation to deny this proposal. He is a certified transportation engineer and it was his very strong opinion that this was an unsafe application and would further set a dangerous precedence for additional development. Mr. Maloy felt that Mr. Wright wanted to see if there was a possibility tonight of getting three units instead of two or one in there and that is why this is before the Commission.

6.7 **MOTION:** **Commissioner Rushton-Carlson** [20:24:48](#) - I recommend we deny this application because of problems staff has brought up and the City Engineer having recommended denial of the three lot subdivision as proposed on a 25' road and inasmuch as it doesn't meet our off-set ordinances and also sets a precedent that may or may not be something we want to see continue to happen.
SECOND: **Commissioner Calacino**.
Commissioner Overson [20:25:22](#) - We have a recommendation by Commissioner Rushton-Carlson to deny Application #13S05 based on the findings and facts contained in the staff report, including the City Engineer's opinion relative to the discrepancy of the off-set of the road and setting a negative precedence along 2200 West to compromise the safety of the citizens on 2200 West and based on the oral testimony that we have heard and one written comment by Charles West and Diane West in opposition to this development, which will be included in the file. We have a second by Commissioner Calacino.

DISCUSSION:

- **Commissioner Calacino** – [20:26:28](#) I would like to add that it was basically put in the motion to deny this application based on the information and findings of fact presented and that the Planning Commission cannot act upon this preliminary plat because we do not have written approval from other agencies and it is not in compliance with various sections of City ordinance. That is clear and to the point. I don't think that means that they cannot still develop the property as a two lot subdivision and be in compliance with City ordinances but as proposed with the three lots (three new and one existing for four lots total), it cannot comply and cannot receive approval by this body.
- **Commissioner Jensen** [20:27:36](#) I would like to add two extra points to the motion: (1) That Subsection 1412.120, section C includes the phrase, "whenever possible". That would seem to be something that could be appealed and the applicant could ask for a further definition or explanation of what that really means, especially in light of what the City Engineer has stated. (2) If the applicant is serious about continuing with this development, that he may want to consider talking to the Private Property Ombudsman of the State of Utah.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

MEETING REVIEW: Review of City Council meeting (Commissioner Jensen) was covered in the pre-meeting by Commissioner Overson who had been in attendance.

ADJOURNMENT: By Motion of **Commissioner Calacino** and second by **Commissioner Smith**, the meeting was adjourned at 8:30 p.m.

Respectfully submitted by:

Jean Gallegos, Administrative Assistant to the
Planning Commission

Approved in meeting held on December 13, 2005.